

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10701 of 2024

Arising Out of PS. Case No.-19 Year-2021 Thana- BIBHUTIPUR District- Samastipur

Pawan Kumar Mahto @ Pawan Kumar Son Of Ram Bali Mahto @ Ram Bali
Singh R/O-Virsahiya Ward No. 07, P.S.-Vibhutipur, Distt.-Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Bindeswari Singh, Advocate
For the State : Mr. Abhay Kumar Roy, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Vibhutipur P.S. Case No. 19 of 2021 instituted for the offence
under Sections 272 & 273 of the IPC and Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, there is recovery of total
1477.800 liters of illicit foreign liquor from Pickup.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 31-12-2023. Petitioner
bears two criminal antecedents, as per disclosure made in
paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's



counsel that petitioner has been falsely implicated in the present case. Petitioner has no concern with the alleged recovered liquor. Petitioner is neither the owner nor the driver of the vehicle in question. Name of the petitioner has transpired on the basis of Call Detail Record, taken during the course of investigation. There is no compliance of Section 100 of the Code of Criminal Procedure, 1973.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and manner of implication, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Vibhutipur P.S. Case No. 19 of 2021.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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